

WORKERS' COMPENSATION ACT

**WORKERS' COMPENSATION GENERAL REGULATIONS
(NUNAVUT)**

R.R.N.W.T.1990, C.W-21

**INCLUDING AMENDMENTS MADE BY
R.R.N.W.T.1990, C.W-21 (Supp.)**

R-002-96

R-025-99

R-031-2003

R-001-2004

This consolidation is not an official statement of the law. It is an office consolidation prepared by the Workers' Compensation Board of the Northwest Territories and Nunavut for convenience of reference only. The authoritative text of regulations can be ascertained from the *Revised Regulations of the Northwest Territories, 1990* and the monthly publication of Part II of the *Northwest Territories Gazette*.

1. Under paragraph (e) of the definition of "worker" in subsection 1(1) of the Workers' Compensation Act, an offender as defined in the Fine Option Regulations who is participating in a fine option program established under the Fine Option Act or a person on whom a community service order has been imposed by a court is deemed to be a worker.

1.1 The maximum remuneration, referred to in the definition "Year's Maximum Insurable Remuneration" in the Act, is \$66,500.00 for 2004 and each subsequent year. R-031-2003, s.2.

1.2 The annual remuneration of a person referred to in subsection 10(1) of the Act, other than a person who is deemed to be a worker under subsection 9(2) of the Act, who is entitled to compensation is \$24,000.00. R-031-2003, s.2.

2. The notice of accident required to be given by a worker or dependent to the employer and the Board shall give the full name and address of the worker and is sufficient if it states in ordinary language the cause of injury, the date and place of the accident and how the accident occurred. R-002-96,s.2.

3. (1) Where a worker is required to undergo medical examination or treatment at the direction or with the approval of the Board at a place other than that in which he or she

resides, he or she shall take the most direct route and shall use the most economical means of transportation available.

(2) The Board shall provide a voucher or reimburse the worker for the actual cost of regularly scheduled public transportation including the cost of necessary transportation by taxi-cab.

(3) Where regularly scheduled public transportation is unavailable or inconvenient, the worker may make use of a private motor vehicle and shall be reimbursed for its use at the rate of \$0.23 a kilometre.

(4) Where the worker is required to be away from the place in which he or she resides for the purpose of examination or treatment, the Board shall pay the worker a subsistence allowance at the following rates, less the value of meals or lodging provided by the Board:

(a) if the examination or treatment takes place outside the Territories, at a rate of

(i) \$105.00 a day for the first seven days, and

(ii) \$95.00 a day after the first seven days;

(b) if the examination or treatment takes place in the Territories, at the rate of \$160.00 a day.

(4.1) Where the Board is satisfied

(a) that a worker referred to in subsection (4) should, for medical or other reasons, be escorted by another person, and

(b) that the person who escorts the worker is a suitable escort,

the Board shall pay the person a subsistence allowance equal to that payable to the worker under subsection (4). R-001-2004, s. 2

(5) No subsistence allowance is payable to a worker for a period during which the worker is being provided by the Board with board and lodging in a hospital or other place of treatment. R-002-96, s.3; R-025-99, s.2.

4. (1) Medical aid accounts in respect of injured workers shall be rendered as soon as practicable after the date of the conclusion of the treatment of the worker for whom the service has been provided or the date it first became known to the physician or other person providing the medical aid that they were services for which the Board was liable to pay.

(2) Medical aid accounts in respect of injured workers shall not be paid by the Board unless they are rendered to it within one year after the provision of the services in respect of which they are rendered, but the Board may authorize payment of an account if it is satisfied that the

late rendering of the account was excusable under the circumstances, and where an account is not submitted in a current and regular manner the Board may discount the account in an amount of 25% of the sum that it would ordinarily have paid.

4.1 The limit for funeral expenses referred to in paragraph 35(1)(b) of the Act is \$5,000.00. R-001-2004, s. 3

4.2 (1) A worker's annual deductions under subsection 39(5) of the Act are the Board's estimates, based on the worker's gross annual remuneration determined in accordance with section 39 of the Act, of the following:

- (a) the income tax payable by the worker for the year under the *Income Tax Act* and the *Income Tax Act (Canada)*;
- (b) the contribution payable by the worker for the year under the *Canada Pension Plan (Canada)*;
- (c) the employee's premium payable by the worker for the year under the *Employment Insurance Act (Canada)*.

(2) In estimating the income tax payable by a worker for the purposes of paragraph (1)(a), the Board shall apply the following rules:

- (a) the worker's gross annual remuneration, determined in accordance with section 39 of the Act, shall be the only income considered;
- (b) an amount shall be deducted from the income referred to in paragraph (a), calculated according to the formula

$$1.5 \times (A+B),$$

where

- i) A is the basic personal amount that may be deducted under section 2.16 of the *Income Tax Act*, and
 - (ii) B is the basic personal amount that may be deducted under paragraph 118 (1)(c) of the *Income Tax Act (Canada)*;
- (c) no amount other than that specified in paragraph (b) shall be deducted from the income referred to in paragraph (a) before estimating the income tax payable by the worker;
 - (d) the income tax payable shall be calculated in accordance with the *Income Tax Act* and the *Income Tax Act (Canada)*, regardless of where the worker may be considered to reside for income tax purposes;
 - (e) if the Board considers it likely that section 4.1 of the *Income Tax Act* will apply to the worker, the Board shall estimate the amount the worker may deduct under that section, and shall subtract that amount from the amount calculated in accordance with paragraph (d). R-001-2004, s. 3

4.3 The limit for an allowance referred to in subsection 51(1) of the Act for the replacement or repair of clothing worn or damaged by reason of the wearing of an upper or lower limb prosthesis or appliance supplied by the Board is \$250.00 in a year. R-001-2004, s.3

5. (1) Where the whole or any portion of an assessment or special assessment levied on an employer is in default after the day on which it is due, the employer shall, in respect of each month or portion of a month that the default continues, pay a penalty calculated each month according to the following formula:

$$A \times 2\%$$

where A is the amount in default as adjusted, where applicable, under subsection (2).

(2) For the purposes of subsection (1), the “amount in default” shall be adjusted, on the first day of every month that the default continues, to include the amount of the penalty payable under that subsection in respect of the previous month, if any. R.R.N.W.T. 1990, c. W-21(Supp.), s. 1, R-002-96, s. 4.

(3) **Repealed.** R-001-2004, s. 4

6. (1) The amount of expenditure in excess of which a municipal corporation must give written notice under subsection 66(3) of the Act is \$10,000.00.

(2) The penalty to which a municipal corporation is subject for contravening subsection 66(3) of the Act is \$250.00. R-001-2004, s. 5

7. The penalty to which an employer is liable for failing to give any notice or to provide any information required by or under section 17 of the Act is

- (a) \$250.00 for the first or second failure in a 12 month period;
- (b) \$500.00 for the third or fourth failure in a 12 month period; or
- (c) \$1,000.00 for the fifth or any subsequent failure in a 12 month period. R-001-2004, s. 5

8. (1) A director of the Governance Council, other than the chairperson and the president shall be paid the following remuneration:

- (a) \$500.00 every three months;
- (b) if the director does not receive pay from his or her employer for the day, \$350.00 for each day spent
 - (i) travelling to or attending a meeting or function of the Governance Council or training authorized by the Governance Council, or
 - (ii) attending to official business of the Governance Council assigned to the director by the Governance Council;
- (c) if the director receives pay of less than \$350.00 from his or her employer for the day, the difference between the amount of pay that he or she receives and \$350.00 for each day spent

- (i) travelling to or attending a meeting or function of the Governance Council or training authorized by the Governance Council, or
 - (ii) attending to official business of the Governance Council assigned to the director by the Governance Council.
- (2) A director of the Governance Council shall not be paid remuneration under paragraph (1)(b) or (c) for any day that he or she spends travelling to or attending a meeting or function of the Governance Council or training authorized by the Governance Council if the director is absent for 50% or more of the meeting, function or training, unless the Governance Council is satisfied that the director has a reasonable excuse for the absence.
- (3) The chairperson of the Governance Council shall be paid
 - (a) \$30,000.00 for each 12 month period that he or she serves as chairperson; and
 - (b) \$68.75 for each hour spent attending to official business of the Governance Council, to a maximum of eight hours in a day and 800 hours in a 12 month period. R-001-2004, s.5